IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REV. APPLICATION NO.261 OF 2006

Nirmal Meghraj Jain & Anr. .. Applicant

Versus

State of Maharashtra .. Respondent

Mr.M.J.Bhatt for applicant

Mr.Y.M.Nakhwa, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 24th November 2006.

P.C.

. Heard Mr.Bhat for applicant. Learned Second Ad-hoc Additional Sessions Judge on 15th December 2005 while deciding Sessions Case No.680

of 2001 has categorically observed that neither the prosecution nor the complainant during the course of their deposition have produced any evidence to show that the melted gold and other articles belong to complainant. In such circumstances, the prima facie view of the learned Judge that this property be confiscated to the State, after appeal period is over, cannot be said to be vitiated by any error apparent nor can be termed as perverse to call for interference in revisional jurisdiction. Revision Application dismissed. However, dismissal of this application and the observations of the learned Judge shall not preclude petitioner from availing of such remedies as are permissible in law to claim confiscated articles.

(S.C.Dharmadhikari, J)